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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10 (HONORABLE WILLIAM Q. HAYES)
11

12 UNITED STATES OF AMERICA,) Criminal Case No. 08-CR-351-WQH
13)
Plaintiff,) Date: April 1, 2008,
14) Time: 2:00 p.m.
v.)
15) DEFENDANT'S STATEMENT OF
FACTS AND MEMORANDUM OF
16 DALIA HUANTE-HERNANDEZ,) POINTS AND AUTHORITIES IN
SUPPORT OF HER MOTIONS
17)
Defendant.)
18)
_____)

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20 **I.**

21 **STATEMENT OF FACTS**

22 Dalia Huante-Hernandez is charged with one count of violating 8 U.S.C. § 1325.
23 She anticipates the government will file a superseding indictment charging her with one
24 count of violating 8 U.S.C. § 1326 in connection with her entry into the United States on or
25 about November 9, 2007. Defense counsel has received approximately 90 pages of
26 discovery. Defense counsel has also reviewed the Immigration "A" file.

27 **II.**

28 **MOTION TO COMPEL DISCOVERY**

In order to both preserve the defendant's rights and assist the government in making

1 full and complete disclosure as required by law, Ms. Huante requests production of the
2 documents in her "A" File that undersigned defense counsel designated for copying on
3 Thursday, March 20, 2008.

4 **III.**

5 **MOTION FOR LEAVE TO FILE FURTHER MOTIONS**

6 Undersigned defense counsel does not have possession of the "A" File documents that
7 may form the basis of substantive motions in the future. Accordingly Ms. Huante
8 respectfully requests the Court grant her leave to file further motions after the "A" File
9 documents have been produced and analyzed by counsel.

10 **IV.**

11 **CONCLUSION**

12 Based upon the foregoing, the defendant respectfully requests that this Court grant her
13 motions.

14 Respectfully submitted,

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16 Date: March 24, 2008

17 /s/ Wendy S. Gerboth
18 WENDY S. GERBOTH
19 Attorneys for Ms. Huante
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